

## **Claim Rejections - 35 U.S.C. §112**

Claims 1-5 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully submit that the rejection is moot in view of the claim amendments as indicated herein, in accordance with the suggestions at page 3 of the Office Action. With respect to the "acyl" of claim 1, Applicants point out that the claim is not limited to the acyl group (-C(O)-), but may concern the whole acid acyl moiety. Applicants urge withdrawal of all rejections.

In view of the amendments and remarks above, Applicants submit that this application is in condition for allowance and request favorable action thereon.

In the event this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, along with any other additional fees which may be required with respect to this paper referencing Attorney Docket No. 108907-00025.

Respectfully submitted,  
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Enclosure: Marked Up Copy of Claim Amendments

**Marked Up Copy of Claim Amendments**

**Claim 1** (Amended). A process for obtaining nitroxyalkylesters of the 2-(S)-(6-methoxy-2-naphthyl)-propanoic acid having an enantiomeric excess higher than or equal to 97%, [preferably higher than or equal to 98%,] characterized in that an acyl halide of [the] 2-(S)(6-methoxy-2-naphthyl)-propanoic acid [of formula A-Hal, wherein A

is the acyl residue of the acid, is let react] is reacted in an inert organic solvent with an aliphatic nitroxylakanol HO-Y-ONO<sub>2</sub>, wherein Y has one of the following meanings:

- a linear or optionally branched C<sub>1</sub>-C<sub>20</sub> [, preferably C<sub>2</sub>-C<sub>5</sub>,] alkylene, or
- a cycloalkylene with ring from 3 to 8 carbon atoms, [preferably from 5 to 7 carbon atoms,] said cycloalkylene optionally substituted with one or two alkynes as above defined, and/or with one or more alkyl radicals having in the chain a number of carbon atoms as above defined for alkylene;
- an aromatic [residue] group with ring having 5 or 6 carbon atoms, said aromatic [residue] group optionally substituted with one or two alkynes as above defined, and/or with one or more alkyl radicals having in the chain a number of carbon atoms as above defined for alkylene, or a -COOH group;
- (T)<sub>p</sub>-(CH-CH<sub>2</sub>O)<sub>nf</sub>-(T)-,  
                  |  
                  CH<sub>2</sub>ONO<sub>2</sub>



T being alkylene as above defined and p an integer equal to zero or one, alkylene having the above mentioned [meanaing] meaning, nf' is an integer from 1 to 6 [, preferably from 1 to 4];

in the presence of an inorganic base, to give the corresponding nitroxyalkylester of the 2-(S)-(6-methoxy-2-naphthyl)-propanoic acid of formula [A-O-Y-ONO<sub>2</sub>] Acyl-O-Y-ONO<sub>2</sub>, wherein [A and] Y [are] is as above defined.

**Claim 2 (Amended).** A process according to claim 1, wherein the aliphatic nitroxyalcohol amount on molar basis is in the range 1-2, [preferably 1.2 - 1.5,] with respect to that of the acid halide.

**Claim 3 (Twice Amended).** A process according to claim 1, wherein the inorganic bases are hydroxides, oxides, carbonates and bicarbonates, silicates, aluminosilicates of the alkaline and alkaline-earth metals, or hydroxides, oxides, carbonates and bicarbonates of metals belonging to the group IIB, [preferably zinc,] or to groups IIIa or IVa [, preferably tin].

**Claim 4 (Twice Amended).** A process according to claim 1, wherein the inorganic base amount is in molar ratio with the acid halide amount in the range 1-2 [, preferably 1.2-1.5].

**Claim 5 (Twice Amended).** A process according to claim 1, wherein the reaction is carried out at a temperature in the range -20°C and 50°C [, preferably 0°C and 20°C].